

Application No.: 09/938,551
Amendment Under 37 C.F.R. §1.111 dated August 31, 2004
Response to the Office Action of June 29, 2004

REMARKS

Reconsideration of this application, as presently amended, is respectfully requested. Claims 1 - 3 are pending in this application. Claims 1 – 3 stand rejected. No new matter has been added. The rejections set forth in the Office Action are respectfully traversed below.

Objection to the Abstract

The Abstract of the Disclosure was objected to because it contains legal phraseology, such as "means" or "said." The Abstract has been amended, as attached, to remove all legal phraseology and to improve form in accordance with preferred U.S. practice.

Withdrawal of the objection to the Abstract is respectfully solicited.

Rejection Under 35 U.S.C. §112, second paragraph

Claims 1 – 3 were rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. More particularly, on pages 2 and 3, items 3 and 4 of the Office Action, the Examiner sets forth various reasons why the claims are allegedly indefinite.

Claims 1-3 have been amended to obviate the §112, second paragraph, rejection. Support for the features recited in claims 1-3 is provided in the application specification, e.g., on page 14, line 21 – page 15, line 4 (claim 1); page 9, line 14 – page 10, line 3 (claim 2); and page 10, lines 12-19 (claim 3).

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Reconsideration and withdrawal of the rejection under 35 U.S.C. §112, second paragraph, are respectfully requested.

Rejections Under 35 U.S.C. §102

Claims 1 – 3 are rejected under 35 U.S.C. §102(a) as being anticipated by JP 2000-351028 ('028) to Kobayashi. Claims 1 – 3 are rejected under 35 U.S.C. §102(b) as being anticipated by Fujiwara et al. (USP 5,342,276). For the reasons set forth in detail below, these rejections are respectfully traversed.

Initially, we note that the Kobayashi '028 reference has the same inventor as the present application, Mr. Hiroshi Kobayashi. Because JP 2000-351028 and the present application have the same inventor, JP 2000-351028 is *not prior art* against the present application.

More specifically, it is well settled that an inventor's own prior work will not anticipate his later invention unless that prior work is such as to constitute a statutory bar under §102(b). See, *Ex parte Lemieux*, 1957 Dec. Comm'r Pat. 47, 115 U.S.P.Q. (BNA) 148 (Pat. & Trademark Office Bd. App. 1957). The JP 2000-351028 reference is not a statutory bar under §102(b) against the present application because the present application was filed on August 27, 2001, *less than one year* after the December 19, 2000 publication date of JP 2000-351028 to Kobayashi.

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Therefore, it is respectfully submitted they Kobayashi '628 reference is not prior art against the present application. Reconsideration and withdrawal of the rejection under §102(a) are respectfully requested.

Fujiwara et al. disclose a turret punch press and die set exchanging device. The turret punch press includes a turret 9 having a plurality of die set attaching areas 33 for attaching die sets 29 to the turret 9. The turret 9 includes an upper portion 5 to which a plurality of punches P are attached and a lower portion 7 to which a plurality of dies D are attached. The die sets 29 include an upper die having an appropriate number of punches and a lower die (col. 4, lines 62-64).

Fig. 2 of Fujiwara et al. illustrates a die exchanging device 37 for exchanging die sets 29. As shown in Fig. 2, the punches P are held in a die base 91 and the dies D are held in a die base 227 (col. 6, lines 5-13 and lines 54-59). The die base 91 and the die base 227 include holes 255, 257, respectively, into which chuck devices 81P, 81D are inserted to hold the die bases 91, 227. A connecting bar 85 connects the two chuck devices 81P and 81D. The connecting bar 85 is attached to a piston rod 89 to which a holding cylinder 87 is attached. When the piston rod 89 of the cylinder 87 is actuated, the chuck devices 81P, 81D both move, connected via the connecting member 85, to load or discharge the punch P and the die D at the same time. See, e.g., column 5, line 58 – column 6, line 4.

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Thus, **Fujiwara et al.** teach that the die sets 29 including punches P and dies D are exchanged *at the same time* by operation of the exchanging device 37. In other words, the die exchanging device 37 loads and discharges the punches P and dies D *as a set*, and not independently. **Fujiwara et al.** do not disclose or suggest that the punches P and dies D are independently loaded and discharged.

Thus, **Fujiwara et al.** do not disclose or suggest the claimed cartridge transferring and loading means for transferring the upper and lower cartridges independently of each other, and enabling the upper and lower cartridges to be independently stored inside the press frame and discharged outside of the press frame, as recited in claim 1.

Dependent claims 2 and 3 are allowable for the same reasons set forth above with respect to claim 1 by virtue of their dependency on claim 1. Moreover, the dependent claims include additional features not disclosed or suggested by **Fujiwara et al.**

For example, **Fujiwara et al.** do not disclose or suggest upper and lower transferring and loading paths that respectively store at least two cartridges at different positions in a longitudinal direction of the press frame, and a cartridge transferring and loading means that transfers the at least two cartridges independently of each other, as recited in claim 2.

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As set forth on page 5, lines 10-11 of the Office Action, the Examiner apparently considers the turret 9 of Fujiwara et al. to correspond to the upper and lower transferring and loading paths. However, unlike the presently claimed invention, the turret 9 does not store cartridges in a longitudinal direction of the press frame. In contrast to the claimed invention, the turret 9 is circular and stores die sets 29 at positions around the circumference of the circular turret 9.

Reconsideration and withdrawal of the rejection of claims 1 – 3 under 35 U.S.C. §102(b) are respectfully requested.

CONCLUSION

For the reasons set forth in detail above, it is respectfully submitted that all pending claims are in condition for allowance. An indication of allowability of all pending claims is respectfully requested.

If the Examiner believes that there are any issues remaining to be resolved in this application, the Examiner is invited to contact the undersigned attorney at the telephone number indicated below to arrange for an interview to expedite and complete prosecution of this case.

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In the event that any fees are due in connection with the filing of this paper, please charge any fees to Deposit Account No. 50-2866.

Respectfully Submitted,

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